THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 13th October, 2006

W.P.No.3703 of 2004

Between:

B. Venkatramaniah … Petitioner

and

The Joint Collector,
Nellore, Nellore District
and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.3703 of 2004

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Proceedings of the 1st respondent in Rc.E.32/04, dated 19-1-2004 in directing bifurcation of petitioner's fair price shop at Gudipallipadu village consisting of 636 cards into two shops by creating a new fair price shop with 323 cards is arbitrary and illegal.

Heard both sides.

The bifurcation of the fair price shop is purely an administrative convenience taking the public interest into consideration. It seems, under the impugned Proceedings, on the basis of the Scheduled Castes and Scheduled Tribes population and taking into consideration the distance of the card holders to the fair price shop of Gudipallipadu, the fair price shop was proposed to be bifurcated into two shops by the Revenue Divisional Officer, Nellore and it was accepted by the Joint Collector, Nellore. The same cannot be said to be either unreasonable or arbitrary. However, it seems, as per the Circular in CCS.Ref.No.PDS.II(3)/191/96, dated 24-2-1996 of the Commissioner of Civil Supplies, in case of creation of new fair price shops, it is the District Collector, who is the competent authority and not the Joint Collector as is done in the present case; as such, the impugned Order is liable to be set aside. Therefore, without expressing any opinion on merits, the impugned Order is set aside only on the ground that the 1st respondent-Joint Collector has no authority for ordering bifurcation of the fair price shop.

Accordingly, the Writ Petition is allowed. However, this will not

preclude the competent authority from taking up the matter afresh and passing appropriate orders as per law. No order as to costs.

13-10-2006

prk